

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Allen Christian Poteat,)	
)	
Plaintiff,)	
)	Civil Action No.: 0:07-03342-TLW-BM
vs.)	
)	
Trey Gowdy, Marc Kitchens, Thomas AM)	
Boggs, and Donnie Willingham,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff, Allen Christian Poteat, (“plaintiff”) brought this civil rights action under 42 U.S.C. § 1983, proceeding *pro se* and *in forma pauperis* against defendants Trey Gowdy, Marck Kitchens, Thomas AM Boggs, and Donnie Willingham (“defendants”) on October 9, 2007. (Doc. #1). This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant, to whom this case had previously been assigned. (Doc. #10). In the Report, Magistrate Judge Marchant recommends that the District Court dismiss the case *without prejudice* and without issuance and service of process. Additionally, Judge Marchant recommends that the case be deemed a “strike” for the purposes of the “three strikes” rule of 28 U.S.C. § 1915 (g). Objections to the Report were due October 30, 2007. The plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. §

636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #10) dismissing the case *without prejudice* and without issuance and service of process, and the action is deemed a "strike" against the plaintiff under 28 U.S.C. § 1915 (g).

IT IS SO ORDERED.

S/Terry L. Wooten

Terry L. Wooten
United States District Judge

May 12, 2008
Florence, South Carolina